

**PLANNING COMMISISON SITE PLAN  
CONDITIONAL USE PERMIT REVIEW SHEET**

**CASE NUMBER:** SPC-2015-0600A      **PC DATE:** June 28, 2016

**PROJECT NAME:** Eberly

**ADDRESS:** 615 S Lamar

**NEIGHBORHOOD PLAN:** Zilker Planning Area

**APPLICANT:** 613 South Lamar LLC (John Scott) (512) 426-9994

**AGENT:** Arbrust & Brown, PLLC (Richard Suttle) (512) 435-2378

**AREA:** 0.56 acre site

**COUNCIL DISTRICT:** 5

**WATERSHED:** West Boulder Creek (Urban)

**WATERSHED ORDINANCE:** Comprehensive Watershed Ordinance

**T.I.A.:** N/A

**CAPITOL VIEW:** N/A

**RELATED CASE:** Eberly Off-site parking site plan, SP-2014-0376T

**PROPOSED DEVELOPMENT:**

The applicant is requesting a late hours permit for a 12,403 square foot restaurant and approval of a compatibility setback variance for parking. No construction is requested with this application.

**EXISTING ZONING:** This lot is zoned CS-V. The proposed restaurant is a permitted use in the CS-V zoning district. However, Land Development Code Section 25-2-808(c) states:

*A restaurant that requires a late-hours permit from the Texas Alcoholic Beverage Commission is a conditional use if: (1) Article 10 (Compatibility Standards) applies to the restaurant; and (2) Article 10 (Compatibility Standards) is not waived in accordance with Article 10, Division 3 (Waivers).*

Because there is single-family within 540 feet of this site, compatibility applies and a restaurant with late-hours is a conditional use.

Land Development Code [25-5-146(B)] states:

*As a condition of approval for a conditional use site plan, a parking area for a cocktail lounge or restaurant with a late-hours permit must be separated from a property used or zoned townhouse and condominium residence (SF-6) district or more restrictive by not less than 200 feet unless: (2) the Land Use Commission grants a variance from this requirement when the Land Use Commission approves the site plan.*

Because there is SF-3 zoning within 200 feet of the proposed parking for this restaurant with late-hours use, a compatibility setback variance request is included with this Conditional Use Permit.

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of the conditional use permit with parking setback variance. The site plan complies with all requirements of the Land Development Code.

**CASE MANAGER:** Donna Galati Telephone: 974-2733  
[Donna.Galati@austintexas.gov](mailto:Donna.Galati@austintexas.gov)

**PROJECT INFORMATION:**

<b>SITE AREA:</b>	0.567 acres	
<b>INTERIOR RESTAURANT AREA</b>	11,594 sq. ft.	
<b>OUTDOOR RESTAURANT PATIO</b>	809 sq. ft.	
<b>SITE'S ZONING</b>	CS-V	
<b>PROPOSED ACCESS</b>	S. Lamar Blvd	
	<b>Allowed</b>	<b>Proposed</b>
<b>FLOOR-AREA RATIO</b>	2:1	0.4:1
<b>BUILDING COVERAGE</b>	95%	9,184 sq. ft. 37.18%
<b>IMPERVIOUS COVERAGE</b>	95%	23,494 sq. ft. 95%
<b>PARKING</b>	99 spaces required	28 on-site 135 off-site

**SUMMARY COMMENTS ON SITE PLAN:**

**Land Use:** The property is currently developed with a restaurant building that has frontage on Lamar Blvd.

The proposed restaurant is a permitted use in the CS-V zoning district. However, Section 25-2-808(c) states:

*A restaurant that requires a late-hours permit from the Texas Alcoholic Beverage Commission is a conditional use if: (1) Article 10 (Compatibility Standards) applies to the restaurant; and (2) Article 10 (Compatibility Standards) is not waived in accordance with Article 10, Division 3 (Waivers).*

This site is located within 540 feet of property zoned SF-3 which triggers Compatibility Standards. These SF-3 properties are to the West, past Lamar Blvd., and behind other commercial property. The parking is located within 200 feet from the affected single-family zoned property, therefore a compatibility setback variance is required for that parking. The site plan complies with all other Compatibility Standards.

The applicant has included the following note on the site plan regarding sound:

*Sound will be directed towards the interior building using maximum 6 x 8 directional speakers to prevent sound from bleeding beyond the property line. No speakers will be pointed towards the west which will help mitigate sound from carrying across Lamar. In addition, there will be a 42" CMU parapet wall and accompanying shade and trellis structures, the trellis structure will be landscaped, to help confine and buffer sound in all directions.*

**Environmental:** This site is located in the West Bouldin Creek Watershed and subject to Urban Watershed regulations. All Environmental comments are cleared.

**Transportation:** A parking area for a restaurant with late hours must be separated from a property used or zoned townhouse and condominium residence (SF-6) district or more restrictive by not less than 200 feet unless the Land Use Commission grants a variance from this requirement when the Land Use Commission approves the site plan. [25-5-146(B)(2)].

The off-site parking was approved under a separate off-site parking site plan, SP-2014-0376T.

**SURROUNDING CONDITIONS:**

**Zoning/ Land Use**

- North:** CS-V (Pawn Shop)
- East:** Railroad ROW, then P-NP (West Bouldin Creek and trail)
- South:** CS-V (Retail)
- West:** Lamar Blvd, then CS (vacant)

**NEIGHBORHOOD ORGNIZATIONS:**

- Austin Heritage Tree Foundation
- Austin Independent School District
- Austin Neighborhoods Council
- Bike Austin
- Bouldin Creek Neighborhood Association
- Bouldin Creek Neighborhood Planning Team
- Friends of Austin Neighborhoods
- Friends of the Emma Barrientos MACC
- Perry Grid 614
- Preservation Austin
- Save Our Springs Alliance
- Sierra Club, Austin Regional Group
- South Central Coalition
- Zilker Neighborhood Assn.

**CONDITIONAL USE PERMIT**

**D. 25-5-145.** A site plan may not adversely affect the public health, safety, or welfare, or materially injure property. If the Land Use Commission determines that a site plan has an adverse effect or causes a material injury under this subsection, the Land Use Commission shall identify the adverse effect or material injury.

§ 25-5-146 CONDITIONS OF APPROVAL.

(A) To make a determination required for approval under Section 25-5-145 (Evaluation Of Conditional Use Site Plan), the Land Use Commission may require that a conditional use site plan comply with a condition of approval that includes a requirement for:

- (1) a special yard, open space, buffer, fence, wall, or screen;
- (2) landscaping or erosion;
- (3) a street improvement or dedication, vehicular ingress & egress, or traffic circulation;
- (4) signs;
- (5) characteristics of operation, including hours;
- (6) a development schedule; or

(7) other measures that the Land Use Commission determines are required for compatibility with surrounding uses or the preservation of public health, safety, or welfare.

#### **CONDITIONAL USE PERMIT REVIEW AND EVALUTATION CRITERA**

**A.** The following evaluation is included to provide staff position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code states: “The Planning Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section. A conditional use site plan must:

**B.**

**1. Comply with the requirements of this title;**

Staff Response: This site plan complies with all regulations and requirements of the Land Development Code.

**2. Comply with the objectives and purposes of the zoning district;**

Staff Response: The proposed restaurant with late hours use is a conditional use in CS-V zoning district due to SF-3-NP zoning within 540 feet.

**3. Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site;**

Staff Response: The site plan complies with all requirements of the Land Development Code.

**4. Provide adequate and convenient off-street parking and loading facilities; and**

Staff Response: The site plan complies with off-street parking and loading facility requirements. The required parking spaces are located onsite and offsite.

**5. Reasonably protect persons and property from erosion, flood, fire, noise, glare, and similar adverse effects.**

Staff Response: The site plan will comply with all requirements of the Land Development Code including Compatibility Standards , and reasonably protects the health, safety, and welfare of persons and property.

**6. For conditional use located within the East Austin Overlay district, comply with the goals and objectives of a neighborhood plan adopted by the City Council for the area in which the use is proposed.** Staff response: The proposed project is not in the East Austin Overlay.

**C. In addition, a conditional use site plan may not:**

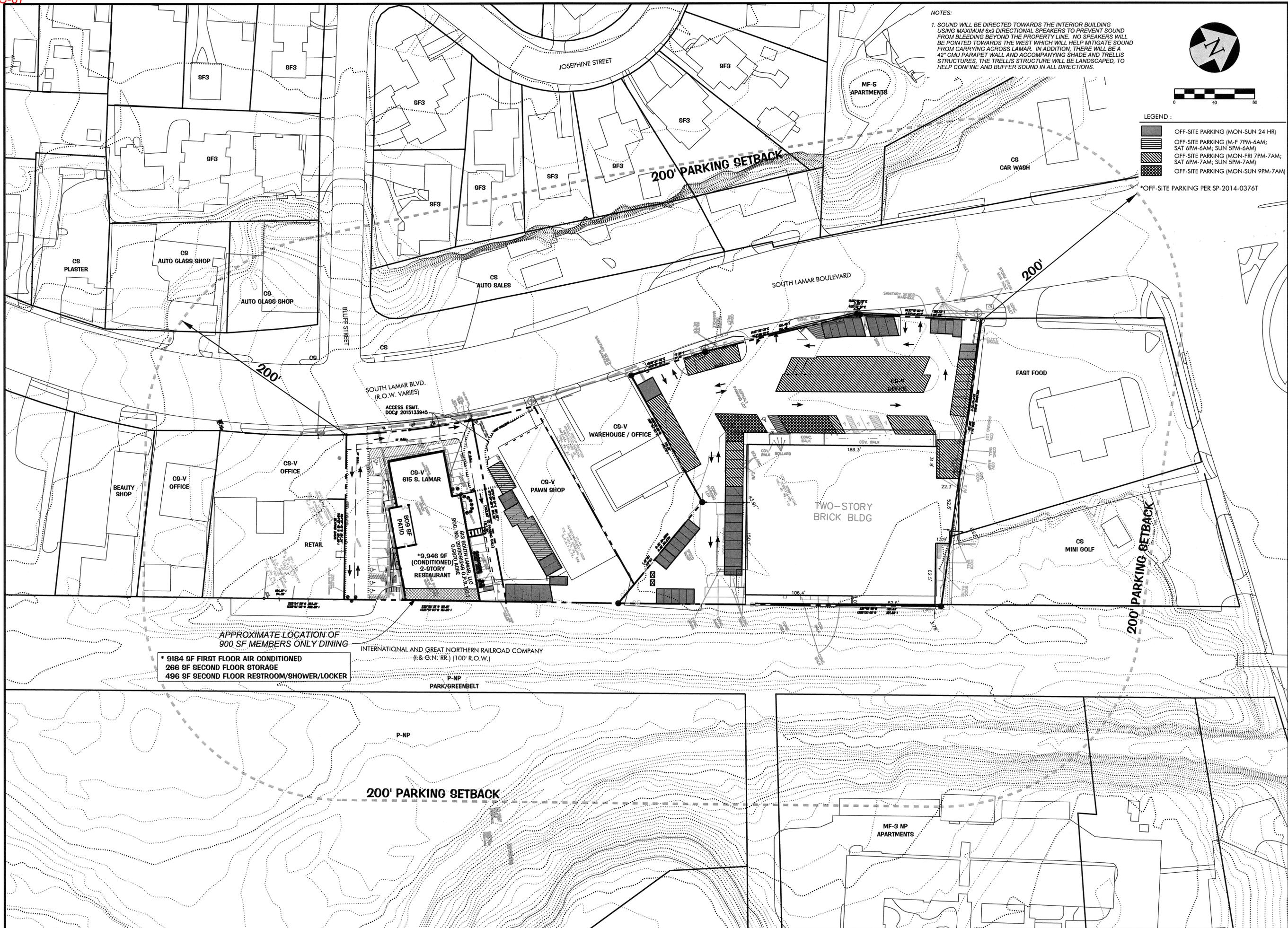
**7. More adversely affect an adjoining site than would a permitted use;**

A restaurant with late hours will have no more impact on adjoining properties than other permitted uses in CS-V zoning which could operate with similar or later hours than the proposed restaurant with late hours.

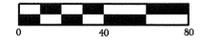
**8. Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; or**

Staff Response: The site plan does not adversely affect the safety and convenience of vehicular and pedestrian circulation.

**9. Adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign.** Staff Response: All signs and lighting will comply with the Land Development Code.



NOTES:  
 1. SOUND WILL BE DIRECTED TOWARDS THE INTERIOR BUILDING USING MAXIMUM 8x9 DIRECTIONAL SPEAKERS TO PREVENT SOUND FROM BLEEDING BEYOND THE PROPERTY LINE. NO SPEAKERS WILL BE POINTED TOWARDS THE WEST WHICH WILL HELP MITIGATE SOUND FROM CARRYING ACROSS LAMAR. IN ADDITION, THERE WILL BE A 4" CMU PARAPET WALL AND ACCOMPANYING SHADE AND TRELLIS STRUCTURES. THE TRELLIS STRUCTURE WILL BE LANDSCAPED, TO HELP CONFINE AND BUFFER SOUND IN ALL DIRECTIONS.



- LEGEND:
- OFF-SITE PARKING (MON-SUN 24 HR)
  - OFF-SITE PARKING (M-F 7PM-6AM; SAT 6PM-6AM; SUN 5PM-6AM)
  - OFF-SITE PARKING (MON-FRI 7PM-7AM; SAT 6PM-7AM; SUN 5PM-7AM)
  - OFF-SITE PARKING (MON-SUN 9PM-7AM)

\*OFF-SITE PARKING PER SP-2014-0376T

\* 9184 SF FIRST FLOOR AIR CONDITIONED  
 266 SF SECOND FLOOR STORAGE  
 496 SF SECOND FLOOR RESTROOM/SHOWER/LOCKER

APPROXIMATE LOCATION OF  
 900 SF MEMBERS ONLY DINING

INTERNATIONAL AND GREAT NORTHERN RAILROAD COMPANY  
 (I & G.N. RR.) (100' R.O.W.)

P-NP  
 PARK/GREENBELT

200' PARKING SETBACK

REVISION BLOCK	
NO.	DESCRIPTION

PREPARED BY	DESIGNED BY	STANDARD	QUALITY

**EBERLY**  
 CONDITIONAL USE SITE PLAN  
 615 SOUTH LAMAR BLVD.  
 SITE PLAN

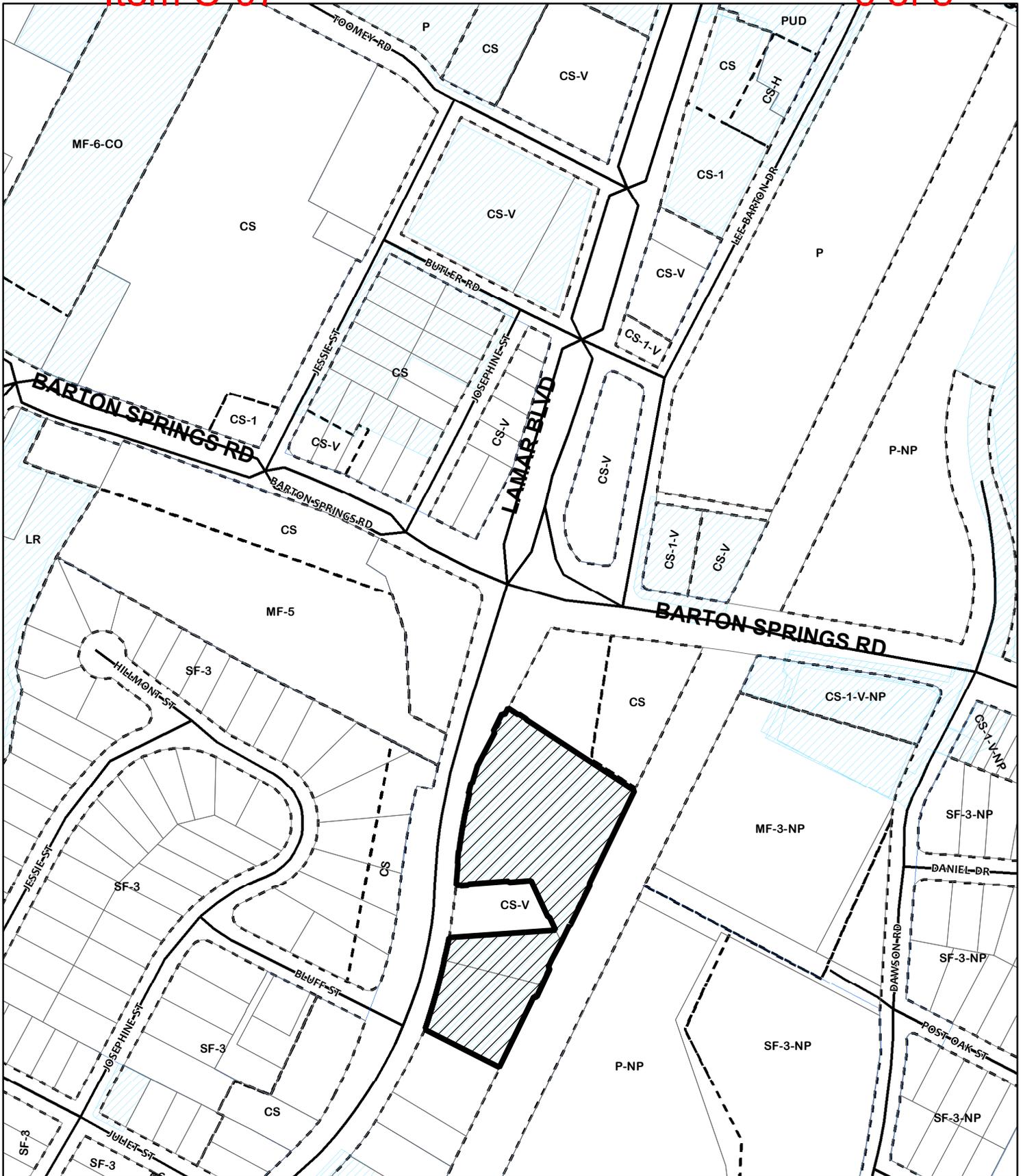


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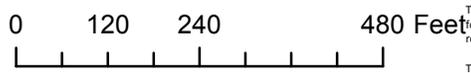
SP1

2/3  
 SP-2015-0600A



 SUBJECT TRACT  
 ZONING BOUNDARY

CASE#: SPC-2015-0600A  
 ADDRESS: 615 S Lamar  
 CASE NAME: Eberly  
 MANAGER: Donna Galati



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



OPERATOR: D. Galati

Written comments concerning the site plan application may be submitted to the case manager on this form. Comments on a separate form should include the case number and the contact person listed on the notice.

Case Number: SPC-2015-0600A  
Contact: Donna Galati, 512-974-2733 or  
Cindy Casillas, 512-974-3437

I meet the requirements for and request to be an interested party  
Note: All contact information is mandatory.

JENIFER FLOYD 512.569.8078  
Name (please print) Telephone number

1300 BLUFF ST. - 78704 + NEIGHBORS ON BLUFF  
Address(es) affected by this application (Street, City, ZIP Code)

1300 BLUFF ST. AUSTIN. TX. 78704  
Mailing address (Street, City, ZIP Code)

Jenifer Floyd 2/16/16  
Signature Date

Comments: My backyard is directly across the street from 615 S. Lamar and sits 'above' S. Lamar on the bluff. Concerns include music/voices being heard until late every night, lighting that shines toward the backyard or 2nd floor bedrooms, and the increase in retail

Mail comment forms to: traffic/parking on our short street at all hours.  
City of Austin  
Development Services Department  
Attn: Donna Galati  
P. O. Box 1088  
Austin, TX 78767-1088

Thanks Jenifer

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SPC-2015-0600A  
Contact: Donna Galati, 512-974-2733 or  
Cindy Casillas, 512-974-3437  
Public Hearing: Planning Commission, June 14, 2016

I am in favor  
 I object

RICK KAVEN  
Your Name (please print)

703 JOSEPHINE ST 78704  
Your address(es) affected by this application

RK 6-16-16  
Signature Date

Daytime Telephone: \_\_\_\_\_  
Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you use this form to comment, it may be returned to:  
City of Austin  
Development Services Department - 4<sup>th</sup> floor  
Donna Galati  
P. O. Box 1088  
Austin, TX 78767-8810

**PUBLIC HEARING INFORMATION**

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.austintexas.gov/devservices](http://www.austintexas.gov/devservices).